

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TERENCE WADE BANKS,

Plaintiff,

-against-

JAMES DILLION/DIMON,

Defendant.

1:21-CV-1302 (JGK)

ORDER OF DISMISSAL

JOHN G. KOELTL, United States District Judge:

By order dated April 5, 2021, the Court dismissed this *pro se* action for lack of subject-matter jurisdiction. But the Court granted Plaintiff 30 days' leave to file an amended complaint in which Plaintiff alleges facts that clearly show that the Court may exercise its subject-matter jurisdiction to consider his claims. On April 15, 2021, the Court received an amended complaint from Plaintiff, but it fails to allege sufficient facts to show that the Court may exercise its subject-matter jurisdiction to consider Plaintiff's claims. Plaintiff fails to allege any facts showing that the Court has federal-question jurisdiction or diversity jurisdiction over his claims. Accordingly, the Court dismisses this action for lack of subject-matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

CONCLUSION

The Court directs the Clerk of Court to mail a copy of this order to Plaintiff and note service on the docket.


The Court dismisses this action for lack of subject-matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 30, 2021
New York, New York



JOHN G. KOELTL
United States District Judge